

1 ARTHUR M. EIDELHOCH, Bar No. 168096  
 2 aeidelhoch@littler.com  
 3 GALEN M. LICHTENSTEIN, Bar No. 251274  
 glichtenstein@littler.com  
 4 LITTLER MENDELSON, P.C.  
 650 California Street, 20<sup>th</sup> Floor  
 San Francisco, California 94108.2693  
 Telephone: 415.433.1940  
 5 Facsimile: 415.399.8490

6 JACQUELINE E. KALK (*Pro Hac Vice*)  
 7 jkalk@littler.com  
 8 LITTLER MENDELSON, P.C.  
 9 80 South 8<sup>th</sup> Street, Suite 1300  
 Minneapolis, MN 55402.2136  
 Telephone: 612-313-7645  
 Facsimile: 612.677.3139

10 KELLY D. REESE (*Pro Hac Vice*)  
 kreeese@littler.com  
 11 R. BRADLEY ADAMS (*Pro Hac Vice*)  
 radams@littler.com  
 12 LITTLER MENDELSON, P.C.  
 13 63 South Royal Street, Suite 901  
 Mobile, AL 36602.3218  
 Telephone: 251-432-2477  
 14 Facsimile: 251-432-0427

15 Attorneys for Defendants  
 CROWDFLOWER, INC., LUKAS BIEWALD  
 16 AND CHRIS VAN PELT

William T. Payne (SBN 90988)  
 Ellen M. Doyle (*Pro Hac Vice*)  
 Edward J. Feinstein (*Pro Hac Vice*)  
 STEMBER FEINSTEIN DOYLE PAYNE  
 & KRAVEC, LLC  
 429 Forbes Avenue, 17th Floor  
 Pittsburgh, PA 15219  
 412-281-8400 (T), 412-281-1007 (F)  
 wpayne@stemberfeinstein.com  
 edoyle@stemberfeinstein.com  
 efeinstein@stemberfeinstein.com

Mark A. Potashnick (*Pro Hac Vice*)  
 WEINHAUS & POTASHNICK  
 11500 Olive Blvd., Suite 133  
 St. Louis, MO 63141  
 314-997-9150 (T), 314-997-9170 (F)  
 markp@wp-attorney.com

Ira Spiro (SBN 67641)  
 Jennifer Connor (SBN 241480)  
 Justin F. Marquez (SBN 262417)  
 SPIRO MOORE, LLP  
 11377 W. Olympic Blvd., 5th Floor  
 Los Angeles, CA 89064  
 310-235-2468 (T), 310-235-2456 (F)  
 ira@spiromoore.com  
 Jennifer@spiromoore.com  
 Justin@spiromoore.com

Attorneys for Plaintiffs  
 CHRISTOPHER OTEY, MARY GRETH  
 & THE CONDITOINALLY CERTIFIED  
 FLSA COLLECTIVE ACTION CLASS

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 CHRISTOPHER OTEY, on behalf of  
 23 himself and all others similarly situated,

24 Plaintiff,

25 v.

26 CROWDFLOWER, INC., LUKAS  
 BIEWALD and CHRIS VAN PELT,

27 Defendant.

Case No. 3:12-cv-05524-JST/mej

**STIPULATION RE: CONTINUANCE OF  
 LITIGATION ACTIVITIES, INCLUDING  
 NOTICE OF CONDITIONAL  
 CERTIFICATION OF COLLECTIVE  
 ACTION, PENDING ANTICIPATED  
 SETTLEMENT AND MOTION FOR  
 COURT APPROVAL OF SAME**

**[PROPOSED] ORDER**

1 Plaintiffs CHRISTOPHER OTEY and MARY GRETH ("Plaintiffs") and Defendants  
 2 CROWDFLOWER, INC., LUKAS BIEWALD and CHRIS VAN PELT ("Defendants"), by and  
 3 through their respective counsel, hereby enter into the following Stipulation Regarding Continuance  
 4 of Litigation Activities Pending Anticipated Settlement and Motion for Court Approval of Same.  
 5 Specifically, by and through this Stipulation, the parties request that the Court grant the parties leave  
 6 to continue all litigation activities, including responses to pending discovery requests and  
 7 service/posting of notice of conditional certification of collective action, for an additional thirty days  
 8 (from October 31, 2013) to allow the parties to continue to work toward a final settlement of the  
 9 instant action in the wake of the parties' mediation which occurred October 18-19, 2013.

10 **STIPULATION**

11 1. The original Complaint in this action was filed on October 26, 2012 against  
 12 Defendants CrowdFlower, Inc., Lukas Biewald and Chris Van Pelt.

13 2. No case management conference has yet occurred and the Court has not yet issued  
 14 any scheduling order.

15 3. The initial case management conference is scheduled for 2:00 p.m. on December 11,  
 16 2013.

17 4. The parties participated in mediation on October 18-19, 2013. In anticipation of  
 18 mediation, the parties sought and the Court granted a stay, pending mediation, up to and including  
 19 October 31, 2013. (Doc. No. 177).

20 5. Based on the mediation and subsequent settlement discussions, counsel for the parties  
 21 believe that finalizing a settlement of this action is likely. However, given the complex nature of  
 22 this putative collective and class action, additional time is needed by the parties to try to finalize all  
 23 of the terms of a settlement agreement. The parties desire to focus their efforts on reaching a final  
 24 settlement rather than devoting time, effort and expense to engaging in litigation activities.

25 6. The parties therefore seek a continuance of all litigation activities, including all  
 26 activities associated with discovery and providing notice of conditional certification of a collective  
 27 action (e.g., posting and servicing notice), for an additional thirty days, up through and including  
 28 November 30, 2013. The parties further seek an automatic extension of the continuance, in the event

1 that the parties finalize a proposed settlement and file a motion for Court approval of same prior to  
 2 November 30, 2013, until such time as the Court rules on that motion.

3       7. The continuance sought will help facilitate settlement.

4       8. If settlement is not achieved, the continuance sought will not materially delay or alter  
 5 the progress of this litigation.

6       WHEREFORE, the parties mutually request that the Court enter the proposed Order below,  
 7 thereby continuing the deadlines for all litigation activities, including responding to pending  
 8 discovery requests and serving/posting notice of conditional certification of collective action, up to  
 9 and including November 30, 2013 or, if a motion for Court approval of settlement is filed prior to  
 10 that time, until such time as the Court rules on said motion.

11  
 12 Dated: October 22, 2013

Respectfully submitted,

13  
 14 LITTLER MENDELSON, P.C.  
 15  
 16 By: /s/ R. Bradley Adams  
 17 R. BRADLEY ADAMS (*pro hac vice*)  
 18 ARTHUR M. EIDELHOCH  
 19 GALEN M. LICHTENSTEIN  
 20 JACQUELINE E. KALK (*pro hac vice*)  
 21 KELLY D. REESE (*pro hac vice*)  
 22 Attorneys for Defendants  
 23 CROWDFLOWER, INC., LUKAS  
 24 BIEWALD AND CHRIS VAN PELET

25  
 26 Dated: October 22, 2013

WEINHAUS & POTASHNICK

27  
 28 By: /s/ Mark Potashnick

MARK POTASHNICK  
 Attorneys for Plaintiffs  
 CHRISTOPHER OTEY, MARY GRETH  
 and the conditionally certified FLSA  
 collection action class

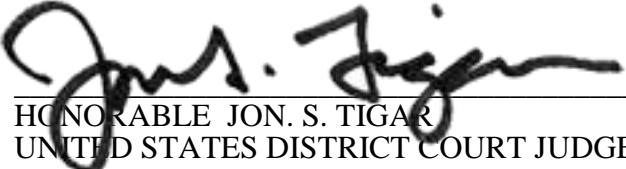
1  
2                   **PROPOSED ORDER**  
3

4                   Good cause appearing therefore, the foregoing Stipulation Re: Continuance of Litigation  
5 Activates Pending Anticipated Settlement and Motion for Court Approval of Same ("Stipulation") is  
6 hereby approved and it is hereby ORDERED that:

7                   All litigation activities, including responses to pending discovery requests and  
8 service/posting of notice of conditional certification of collective action, are continued up to and  
9 including November 30, 2013. It is further order that in the event that the parties reach a final  
10 settlement and file a motion for Court approval of same on or before November 30, 2013, this  
continuance shall be automatically extended until such time as the Court rules on the motion.

11                   PURSUANT TO STIPULATION, IT IS SO ORDERED.  
12

13  
14 Dated: October 22, 2013  
15

16  
17                     
18                   HONORABLE JON. S. TIGAR  
19                   UNITED STATES DISTRICT COURT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28